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Phoenix, Inc.

UNITED STATES DISTRICT COURT – SOUTHERN DISTRICT OF
CALIFORNIA

CHAD MCKINNEY, an individual,
Plaintiff,

v.

APOLLO GROUP, INC.,
UNIVERSITY OF PHOENIX, a
Corporation, MECHELLE
BONILLA, an Enrollment Manager
at UNIVERSITY OF PHOENIX,
KYAN FLYNN, Director of
Enrollment at UNIVERSITY OF
PHOENIX, APRIL ALCORN, an
Employees Relations Consultant at
UNIVERSITY OF PHOENIX,
CARLYN LINDSTEN, Associate
Director of Enrollment at
UNIVERSITY OF PHOENIX

Defendants

CASE NO. 07-CV-2373 WQH CAB

**DEFENDANT UNIVERSITY OF
PHOENIX, INC.'S NOTICE OF
NON-OPPOSITION TO MOTION
TO DISMISS PLAINTIFF'S
COMPLAINT, OR, IN THE
ALTERNATIVE, MOTION FOR
MORE DEFINITE STATEMENT
AND MOTION TO SET ASIDE
ENTRY OF DEFAULT**

**[FRCP 12(b)(2); 12(b)(5); 12(b)(6);
12(e); 55(c).]**

Date: May 12, 2008
Time: 11:00 a.m.
Courtroom: 4
Judge: Hon. William Q. Hayes

DATE OF FILING: December 19, 2007

1 Defendant, University of Phoenix, Inc. ("UOP"), through undersigned
2 counsel Snell & Wilmer L.L.P., hereby submits this Notice of Non-Opposition to
3 their Motion to Dismiss plaintiff Chad McKinney's ("McKinney") Complaint, Or
4 in the Alternative, For More Definite Statement ("Motion to Dismiss"), and Motion
5 to Set Aside Entry of Default ("Motion to Set Aside") stating as follows:

6 1. UOP filed and served its Motion to Dismiss on March 31, 2008, and its
7 Motion to Set Aside on April 1, 2008.

8 2. Pursuant to Local Civil Rule 7.1e 2, the last day for McKinney to file
9 and serve any opposition to these motions was April 28, 2008.

10 3. As of today, McKinney has wholly failed to respond or otherwise
11 object to UOP's Motion to Dismiss or Motion to Set Aside.

12 4. Pursuant to Local Civil Rule 7.1 f 3 c, and based on the foregoing,
13 UOP respectfully requests the Court grant its Motion to Dismiss and Motion to Set
14 Aside against McKinney.

15 Date: May 8, 2008

SNELL & WILMER L.L.P.

17 By: s/Nathan W. Hicks
18 Christy Joseph
19 Nathan W. Hicks
20 Attorneys for University of
Phoenix., Inc.

21 8779067

PROOF OF SERVICE**McKinney v. Apollo Group, Inc., et al.
USDC, Southern – Case No. 07-CV-2373**

I am employed in the County of Orange, State of California. I am over the age of 18 and not a party to the within action; my business address is 600 Anton Boulevard, Suite 1400, Costa Mesa, California 92626-7689.

On May 8, 2008, I served, in the manner indicated below, the foregoing document described as **DEFENDANT UNIVERSITY OF PHOENIX, INC.'S NOTICE OF NON-OPPOSITION TO MOTION TO DISMISS PLAINTIFF'S COMPLAINT, OR, IN THE ALTERNATIVE, MOTION FOR MORE DEFINITE STATEMENT AND MOTION TO SET ASIDE ENTRY OF DEFAULT** on the interested parties in this action by placing true copies thereof, enclosed in sealed envelopes, at Costa Mesa, addressed as follows:

I am employed in the office of a member of the bar of this court at whose direction the service was made.

Please See Attached Service List

- ☐ BY REGULAR MAIL: I caused such envelopes to be deposited in the United States mail at Costa Mesa, California, with postage thereon fully prepaid. I am readily familiar with the firm's practice of collection and processing correspondence for mailing. It is deposited with the United States Postal Service each day and that practice was followed in the ordinary course of business for the service herein attested to (C.C.P. § 1013(a)).
- ☐ BY FACSIMILE: (C.C.P. § 1013(e)(f)) and by e-mail
- ☒ BY FEDERAL EXPRESS: I caused such envelopes to be delivered by air courier, with next day service, to the offices of the addressees. (C.C.P. § 1013(c)(d)).
- ☐ BY PERSONAL SERVICE: I caused such envelopes to be delivered by hand to the offices of the addressees. (C.C.P. § 1011(a)(b)).

I declare under penalty of perjury under the laws of the State of California that the above is true and correct.

Executed on May 8, 2008, at Costa Mesa, California.


Anh Dufour

SERVICE LIST**McKinney v. Apollo Group, Inc., et al.
USDC, Southern – Case No. 07-CV-2373**

Chad McKinney 6266 Madeline Street, Apt. #61 San Diego, CA 92115	Plaintiff, Pro Se Tel: (619) 634-3566
United States District Court Attention: Hon. Judge William Q. Hayes Courtroom 4 940 Front Street, Room 4290 San Diego, CA 92101-8900	Courtesy Copy Tel: (619) 557-5600